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10 JAN 2007

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In re Application of COHEN et al :
U.S. Application No.: 10/598,978 :
PCT Application No.: PCT/US2005/008694 :
Int. Filing Date: 16 March 2005 :
Priority Date Claimed: 16 March 2004 : DECISION
Attorney Docket No.: 51311-00009 :
For: TAT-BASED IMMUNOMODULATORY :
COMPOSITIONS AND METHODS FOR :
THEIR DISCOVERY AND USE :
:

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 January 2007.

BACKGROUND

On 16 March 2005, applicant filed international application PCT/US2005/008694, which claimed priority of an earlier United States application filed 16 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 16 September 2006.

On 15 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/US2005/008694 became abandoned as to the United States for failure to timely pay the basic national fee.

On 03 January 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 January 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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